

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 14, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by REV. E.M. JENNINGS, First Cumberland Presbyterian Church.

Minutes of Regular Meeting of July 7, 1955, were corrected to show Councilman Long's comments, the paragraph to read as follows:

"MR. JOHN DAVENPORT, President, Humane Society, asked the Council to postpone the effective date of the restraint law from September 1st until such time as the Society had constructed the proposed Shelter. The Society could see the effects of the ordinance already by the increased number of abandoned animals. MR. TOM BRADFELD stated an architect had been engaged and he believed the Society could have the shelter in operation by the first of the year. Councilman Long stated that the people voted in April to have dogs penned up, and she thought the Council was certainly bound to follow the desires of the people. "We have known since April--that's almost five months from September 1st, for the City to make ready and for the people of Austin to make ready. I think we owe it to the people of Austin to go on and put this into effect. If the Humane Society cannot be ready until the first of the year, I think it is the City's responsibility to take over and try to handle the dogs." The Mayor stated that before this was submitted to the people, one of the bases for the vote was that the Humane Society would be granted a tract of land to build a \$50 or \$60,000 home and they would adequately take care of these dogs, and the ordinance was passed with the view of the Humane Society taking care of the dogs in a humane manner. Councilman Palmer believed at the

time the ordinance was passed it was the belief that if they were not able to care for them properly, something else would be done, and he was in favor of postponing it. Councilman Pearson wanted more data on the number of dogs that were being picked up; record of vaccinations, licensing, etc., as compared to last year. He thought everyone would want the whole matter handled in a humane way. The City Manager submitted figures on number of dog licenses to date for this year as being 4,000 as against last year, 6,250. The Mayor stated more people had written and called asking that the law not be enforced. The law was passed in conjunction with the Humane Society and with the idea that no dog would be executed without time to find a home. He stated people had been building fences and some did not want to do that. He believed it would be an incentive for the people who wanted the dogs penned to contribute something to the Shelter. The Mayor had previously stated he was not in favor of wholesale slaughter of the animals. He believed the effective date could be deferred for a few months. Councilman Long stated she was not in favor of wholesale murder of dogs, but believed the city had a responsibility to the citizens; and when they voted it, she did not think the City should turn it over to another organization. She stated it was never tied in with the Humane Society, that the Council discussed with the Humane Society the possibility of taking this over as soon as they could, but it had nothing to do with whether dogs were penned up or permitted to run loose. Councilman White believed if the City nor the Humane Society could take care of the dogs at this time to put it off, and he would consider extending the time to January 1st. Councilman Pearson had had many complaints from the rural sections about people unleashing their dogs. Councilman Pearson moved that the request of the Humane Society be granted and that the City Attorney be instructed to draw an amendment to the Ordinance extending the time from September 1st to January 1st. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
 Necs: Councilman Long

"Councilman Long stated she thought the Council would disappoint the people that voted to pen the dogs up."

Councilman White moved that the Minutes of the Regular Meeting of July 7th, with that correction; and the Special Meetings of June 21 and June 24th, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Necs: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE
 PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN,
 TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE
 BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE

RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON A TRACT OF LAND LOCATED ABOUT 255 FEET EAST OF MANCHACA ROAD, LOCALLY KNOWN AS 1813-1903 FORTVIEW ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "I", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318,

INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT ON LOTS 6 AND 7, BLOCK 15, OUTLOT 58, DIVISION B, FOSTER SUBDIVISION, LOCALLY KNOWN AS 2007-2009 EAST 12TH STREET AND 1194-1198 ALAMO STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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Noes: None

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Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Discussion was held on the Resolution setting out certain conditions made with respect to the zoning of the property of Raymond Brown on the Missouri Pacific Railroad and Oltorf Street, from "A" Residence to "D" Industrial and "C" Commercial. The City Attorney presented a map submitted by MR. HOLMES, Representative of Mr. Brown, showing his interpretation of the zoning as was developed. Mayor Miller outlined the conditions that were made at the Council meeting and suggested that the Attorneys and representatives get together and if it could be worked out amicably that the street in the southern part of the property be omitted from Cumberland on down to the end of the property, although Mr. Brown had agreed to give it, but it would ruin his property; that the 100' buffer strip from Oltorf Street be provided as conditioned--nothing having been said about that 100' strip being commercial. Councilman Long suggested it would be better zoning to let the strip be "C" with a buffer of 50'. The Mayor said that was to be a protective zone with no use on it, and that was what had been agreed to last Thursday. The interested parties were to get together on any changes, and the Mayor stated if they couldn't, the Council would vote on it as decided before.

Mayor Miller introduced the following ordinance:

AN ORDINANCE TO AMEND SECTION 3.21-1 OF CHAPTER 3,
AUSTIN CITY CODE OF 1954, PERTAINING TO THE RESTRAINT
OF DOGS, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 6th day of July, 1955, bids were received by the City of Austin for the purchase of four (4) 4-door sedan cars with automatic clutch for use by the Police Department; and one (1) 4-door sedan with standard clutch for use by the Fire Department; and,

WHEREAS, the bids of Swearingen-Armstrong Company in the respective sums of \$5,016.00 and \$1,200.00 for said vehicles were the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids of Swearingen-Armstrong Company in the total sum of \$6,216.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin, is hereby authorized and directed to execute a contract on behalf of the City of Austin with Swearingen-Armstrong Company.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council had before it an Ordinance creating the Civil Defense Organization. Two amendments were agreed upon at the suggestions of Councilmen White and Long, respectively in Section 35.1 (b) that the Director of Civil Defense would be appointed by and hold his position at the pleasure of the City Council (instead of the Mayor) of the City of Austin; and (d) "Representatives not to exceed five (5) in number from Civic, Business,..... to be selected and appointed by the City Council (instead of the Mayor upon nomination by such organization). The Council deferred taking action until the following week pending additional study by the Legal authorities.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin received and opened bids on June 28, 1955, at 10:00 A.M. on the sale of certain buildings on City owned property; and,

WHEREAS, Lee M. Nelson submitted the highest and best bid in the amount of \$50.00 on the building located at 2001 East 4th Street (rear); and,

WHEREAS, V. E. Smith submitted the highest and best bid in the amount of \$69.00 on the building located at 3607 South 2nd Street; and,

WHEREAS, Charles A. McCormick submitted the highest and best bid in the amount of \$1020.20 on the building located at 2001 East 4th Street (front); and,

WHEREAS, Charles A. McCormick submitted the highest and best bid in the amount of \$82.00 on the building located at 2012 East 3rd Street (rear); and,

WHEREAS, M. E. Dennis submitted the highest and best bid in the amount of \$7.50 on the building located at 2012 East 3rd Street (front); and,

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$701.26 on the building located at 51 East Avenue; and,

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$1,002.77 on the building located at 2305 Canterbury; and,

WHEREAS, the Director of Public Works and the City Manager have recommended the sale of such buildings to said bidders; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said bids be and the same are hereby accepted and W. T. Williams, Jr. City Manager, is hereby authorized and directed to execute contracts of sale for said buildings at the above described locations with said bidders.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Present but not voting: Councilman Long

Councilman Long present but not voting as she was not satisfied by the bids. It was discussed that possibly display ads of the sale of such property might be made along with the legal notices. The Mayor suggested also to try public auctions.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain water main easement in, upon and across a portion of Lot 5, Block M, Ridgetop, a Subdivision of a portion of the J. P. Wallace

Survey, in the City of Austin, Travis County, Texas, was granted to the City of Austin by that certain instrument dated May 17, 1935, of record in Volume 529 at page 556, Deed Records of Travis County, Texas; and,

WHEREAS, the location of such easement is vague and uncertain and creates a cloud on the title of said property; and,

WHEREAS, the owner of the hereinafter described portion of such property has requested the City of Austin to release said water main easement; and,

WHEREAS, the hereinafter described portion of such easement is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be, and he is hereby authorized and directed to execute a release of said water main easement located on the following described property, to wit:

A portion of Lot 5, Block M, Ridgetop, a Subdivision of a portion of the J. P. Wallace Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Ridgetop, of record in Book 2, page 200, Plat Records of Travis County, Texas, said portion being the same property conveyed to Lydia Littman by that certain warranty deed dated November 15, 1929, of record in Volume 442 at page 555, Deed Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long submitted a petition from citizens in the 800-900 Block of Patterson Avenue, requesting street lights in this area. The Mayor suggested that they try to get this in for them.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in CLAYTON LANE from Cameron Road westerly to Interregional Highway, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said CLAYTON LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in INTERREGIONAL HIGHWAY from Clayton Lane northerly to U.S. Highway 290, the centerline of which gas main shall be 4 feet west of and parallel to the west curb line of the east frontage street of said INTERREGIONAL HIGHWAY.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in U.S. HIGHWAY 290 from Brooks Street easterly 633 feet, the centerline of which gas main shall be 4 feet south of and parallel to the south curb line of said U. S. HIGHWAY 290.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in BROOKS STREET from Tirado Street southerly to U. S. Highway 290, the centerline of which gas main shall be 6.5 feet east of and parallel to the west property line of said BROOKS STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in TIRADO STREET from Brooks Street westerly to Middle Fiskville Road, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said TIRADO STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in MIDDLE FISKVILLE ROAD from Tirado Street northerly to Interregional Highway, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said MIDDLE FISKVILLE ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in INTERREGIONAL HIGHWAY from St. Johns Avenue southerly to Middle Fiskville Road, the centerline of which gas main shall be 6.5 feet east of and parallel to the west property line of said INTERREGIONAL HIGHWAY.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mangel's Corp. of New York is the Contractor for the alteration of a building located at 614 Congress Ave. and desires a portion of the sidewalk and street space abutting the north $1/2$ of Lot 4, Block 70, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Mangel's Corp. of New York, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the south east corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Ave. five feet to a point; thence in a northerly direction and parallel to the center line of Congress Ave. approximately twenty-three feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Ave. to the north east corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Mangel's Corp. of New York, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. (The Contractor will also be permitted to use 2 parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.)

(2) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(3) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(4) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 14, 1955.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(9) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(10) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise

or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building at 416 West 12th Street and desires a portion of the sidewalk and street space abutting Lot 1 and west 11 feet of 2, Block 150 of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the south east corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 12th Street approximately twenty-five feet to a point; thence in a westerly direction and parallel with the centerline of West 12th Street eighty feet to a point; thence in a northerly direction and at right angles to the southwest corner of the above described property.

Thence in a westerly direction and at right angles to the centerline of San Antonio Street to a point twelve feet west of the east curb line; thence in a northerly direction and parallel with the centerline of San Antonio Street one hundred and sixty feet to a point; thence in an easterly direction and at right angles to the centerline of San Antonio Street to the north west corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially

braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than February 15, 1956.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Councilmen Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the south side of West 5th Street as a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is leased by E. E. Stuessy, and is designated as J. R. Blackmore 0.79 acre tract, Division Z, in the City of Austin, Travis County, Texas, and hereby authorizes the said E. E. Stuessy, to operate a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said E. E. Stuessy has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
July 14, 1955

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of E. E. Stuessy,

General Contractor, for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of West 5th Street, which property is designated as J. R. Blackmore 0.79 acre tract, Division Z, in the City of Austin, Travis County, Texas, and locally known as 1701 West 5th Street.

"This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions;

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The Mayor stated the State, and the L.C.R.A. had gone into the Social Security Program, and he hoped that the City employees would go into the program as it would give them additional security; and that this program should be included in the Budget.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Section 218(d) of the Federal Social Security Act has been amended so as to permit employees of cities having their own employee retirement systems to also have Federal Old Age and Survivors' Insurance; and,

WHEREAS, employees of the City of Austin have requested an election by the City employees to be held to determine whether or not said employees of the City of Austin who are members of the Employee Retirement System of the City of Austin wish to be covered by Federal Old Age and Survivors' Insurance; and,

WHEREAS, in order to meet the requirements of said Section 218(d) of the Federal Social Security Act, as amended, it is necessary that the Texas State Department of Public Welfare cause to be held an election by the employees of the City of Austin to determine whether or not said employees wish to be covered by said Federal Old Age and Survivors' Insurance; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Texas State Department of Public Welfare be and said Department is hereby respectfully requested to cause a referendum to be held as expeditiously as possible, by qualified members of the Employee Retirement System of the City of Austin, in compliance with House Bill 603, Acts of the 52nd Legislature of the State of Texas, 1951, to determine whether or not said Federal Old Age and Survivors' Insurance coverage shall be given employees of the City of Austin.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Explanation on the benefits will be given to the city employees.

Councilman Long moved that MAYOR MILLER be authorized to contact WADE, BARTON & MARSH or any other firm and discuss the audit, and set a date for the Council to meet with them. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White
Noes: None
Present but not voting: Mayor Miller

Mayor Miller stated that he was glad to accept the commission.

The Mayor asked that since it seemed to be the sense of the Council that it would be too expensive to buy the right-of-way for the widening of Guadalupe Between 25th and 26th, that it authorize him to instruct the Texas Company that they could go on and enlarge their filling station, which is being held up by the City pending the widening of the street. The City Attorney went over the three-way trade of property of the Pool Tract, the Texaco property and the Hemphill property. The City Manager stated the question was whether the widening of Guadalupe would be continued or abandoned. If it were to be continued, the trade would be as good deal as could be obtained; otherwise, there would be no need for the additional property. Councilman Long did not believe the trade to be a good one and there was not enough money to widen Guadalupe all the way down, and she was in favor of dropping the matter. The City Manager explained the offers and meetings that were held in regard to the trade of this property and the obtaining of the right-of-way. The Hemphill property was involved in the trade, but not direct with the City. After discussion, Councilman Long moved that the Mayor be asked to investigate this and report back to the Council next week. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White
Noes: None
Present but not voting: Mayor Miller

Councilman Long read the following letter:

"To Members of the City Council:

"In July, 1957, the City's gas purchase contract with Southern Union will expire. It is time for the Council to make some serious plans about what we are going to do.

"Three factors must be considered:

"1. With the increase in power plant capacity, the City is going to be using more and more gas. I am informed that the maximum hourly demand of the power plant is expected to rise from 1,200,000 feet this year to 3,550,000 feet by 1965 and 11,500,000 feet by 1975.

"2. Gas prices are rising steadily. To protect Austin's huge investment in gas-fired power plant equipment, we must make some arrangement for a long-range gas reserve at today's prices, rather than depending on a firm which has no gas reserves of its own in the Austin region and which is at the mercy of those with gas supplies.

"3. This Council has already had a complaint from industrial users of gas about the present high prices. Austin has the highest industrial gas rate of a group of 11 cities surveyed by Mr. Honaker this spring. This not only handicaps industries we already have in Austin, but it keeps other industry from coming here.

"There are these possibilities which I would like for the Council to consider seriously, and soon:

"1. Making another long-range contract with Southern Union (and United).

"2. Finding a group of investors who would like to build a pipeline and obtain a gas supply to supply the City of Austin for a long period of time, and perhaps to supply some of the larger industrial users of gas.

"3. Voting revenue bonds for the construction of our own pipeline and the securing of an adequate underground gas reserve to supply the needs of the power plant for at least 20 years. Enough capacity for industrial use might also be included.

"I propose that the Council take one of these alternate steps to meet this problem:

"1. Call in informed citizens and get their suggestions, sitting as a Council.

"2. Appoint a Council committee to make a thorough investigation and report its findings to the Council.

"3. Employ a qualified gas engineer to make a study and recommendations.

"4. Appoint a citizens committee and ask it to make a study for the Council.

"The 10-year forecast of utilities operation prepared by Walter Seaholm anticipates that the power plant's gas costs will rise from \$548,000 in 1956 to \$1,006,000 in 1957, when rates go up and consumption increases, and that by 1963 our annual gas bill will be \$1,886,000. An organization planning to spend \$11,354,000 on gas in 10 years should be planning to buy it direct, instead of through two middle men, each taking a mark-up.

"After hearing the views of the Council, I will make a motion that we proceed on one of the lines outlined above, the one which seems most acceptable to a majority of the Council. This is a situation which should not be delayed, because a great deal must be done before July, 1957.

"EMMA LONG"

Councilman Pearson stated the Mayor had been talking to various people, and he would like to hear his comments on this, as the Mayor would have a recommendation before the Council before long. The Mayor outlined the progress of the City with reference to its gas rates since 1933, where they were paying 14½¢, and then got a reduction and received gas around 12¢, the present rate to run through July, 1957. He stated that MR. KINNEY had been negotiating with the Gas Company and others inside the state and outside; and had been studying possibilities of a pipe line to a south Texas Field. The Gas Company had talked with the Mayor about the rates, and he had recommended they come back with a better proposition and try to get the city a firm price. The Mayor stated he was willing to trade as hard as he could, representing only the City. He did not know if the people would furnish the money to build a pipe line. Councilman Long stated there were fields within 170 miles from Austin, and she had estimates of \$2400 per mile per inch, and a 6" line would cost \$2,304,000. Councilman Pearson inquired if this included the easements. She believed a group of citizens could organize a pipe line and bring it in and sell gas for what we are buying it now, 12½¢ and the city would not get it from the Gas Company for 15¢. She stated the LCRA had a good renewal until 1972 with the Gas Company, at the present 12.50; from 1972 on through the next five years at an increase of 5¢, and the next five years an additional five cent increase. The Mayor stated he had talked to Mr. Starcke and his understanding about the LCRA contract was different. He stated the Council should call the Company in, so that all would know what goes on and see what proposition the Council can get from the local company; what it could get from the Chicago people. He stated Mr. Kinney had been working on this, and discussing it from many angles. The Mayor had wanted to bring this up to discuss the best strategy. He had a proposition from the Company, but he wanted it reworked. The Mayor asked for the report submitted by Mr. Honaker.

The Council set the following appeals from the Plan Commission's decision:

Appeal by Mr. Dunaway from the Plan Commission's granting a special permit to the Episcopal Theological Seminary located on the north side of Rathervue from Harris Park to Duval - 10:00 A.M. JULY 21st.

Appeal by Roberta Lee Cloer and Ida Segmumg from the Plan Commission's granting a special permit to DR. DAVID DARTER for a veterinary hospital at 2171 South Lamar Blvd. - 10:00 A.M. JULY 28th.

Councilman Long stated one of the things she brought up during the election was the matter of securing a new City Manager, and she asked the Council to set a date to interview City Managers and to advertise in the various publications that we were ready to receive applications. She had one she wanted personally to invite to be here to be interviewed. The Mayor stated he was willing to hear any candidate that wanted to come; but that during the past, Austin has had a good record, and MR. WILLIAMS has been doing an excellent job--the others serving in temporary capacity like MR. ROUNTREE and MR. ESKEW have been working 60 hours or more and have been doing a fine job. The Budget has to be prepared and has to be prepared by people with the know-how. He stated he was well pleased with the work that the present City Manager and his assistants were doing; that in every case where he had asked for the benefit of the Council for information, it had come forth very quickly. Councilman Long believed the way of getting a City Manager was not waiting for someone to ask, but to advertise and invite people in. Councilman White did not think there would be anything out of the ordinary to go ahead and advertise for a City Manager, and it might wind up that if Mr. Williams were an applicant, the Council might go ahead and appoint him. Councilman Long stated it was customary for cities to pay the prospect's way to the City, and this prospect was a top-notch city manager in Arizona. The Mayor stated if she wanted the man to come down, that would be fine, but he did not favor paying the expenses. He asked her to give the name to the City Clerk and let her invite him, but he was not willing to pay his way down.

The City Manager asked if the Council wanted the budget papers complete, which would be about the middle of August, or if it would be interested in going over the figures of the various Departments preliminary to the final study, which would be ready about July 25th. The Mayor suggested receiving them as they came in; he wanted to see the recommendation--equipment, additions or decreases.

Councilman Long wanted an investigation made in the Sanitation Department to see if the men were getting overtime. The City Manager stated the facts were, there were light routes and heavy routes. When the men finished early on the light routes, they went home; when they ran late on the heavy routes, they were compensated with the early leave on the others. Councilman Long stated 10 or 15 men were not getting their overtime.

Councilman Long wanted to see the combination of the inspection offices and placed under one single head, as this had been planned for a long time. The City Manager stated the hold-up on this was only the problem of the housing of such a division.

The Mayor asked if the Council wanted to add to the City Hall or not.

MR. ELMER DENSON suggested that the Council take a grader down to the Interregional Bridge and make a swimming pool, both on the north and south sides of the bridge. The Mayor stated he wanted to appropriate \$100,000 for the river development.

The City Manager submitted the following memo:

"July 13, 1955

"TO: Honorable Mayor and Members of the City Council
"FROM: City Manager
"SUBJECT: Policy on Installation of Street Lights in New Subdivisions

"In accordance with request of the City Council the attached recommendation is submitted.

"We recommend that the subdivision policies of the City be amended to provide that subdividers who so desire, may install street light systems in new subdivisions in the City on a refund basis. We would recommend that the cost of such systems be added to the amount to be reimbursed to the subdivider for water and sewer facilities as provided in our present policies. It is estimated that wood standards would run between \$275 and \$300 per installation and metal between \$375 and \$400 per installation. The wood standards would be similar to the ones now used in our residential subdivisions. The metal standards would be similar to those installations recently put in on Brazos Street.

"We have given serious consideration to the idea of requiring such street light systems to be installed at the expense of the subdivider, but have concluded that this would be unfair in view of the fact that we have no means of requiring contributions or participation in street lighting in old parts of the City or in old subdivisions, and all street lights in those areas installed without expense to the property owner.

"We also believe that the proposed policy of adding this expense to the refund contract will encourage the installation of street lights in many new subdivisions.

"This proposed policy has been discussed with Mr. Landon Bradfield, Chairman of the Subdivision Committee of the Real Estate Board, but he has not had an opportunity to discuss it with members of his committee. Mr. Bradfield has requested that he be given this opportunity before any final decision on the policy is made.

"WTW, Jr."

Councilman White had suggested a study on this, as he thought the people would want to put in the lights in the subdivisions as they were developed, and that if lights were installed in the older sections of the city first, it would be many years before they would be installed in these subdivisions. This policy was discussed. The Mayor stated he had asked for the benefit of the Council that subdivision ordinances of other cities be obtained, and that they should be received shortly, and this was something to discuss and study and look into. No action was taken on the proposed policy at this time.

The Council had before it a list of fees and recommended fees to be charged by the Austin-Travis County Health Department. The Council went over proposed fees. After discussion, Councilman Pearson moved that the proposed charges be put into effect, the Resolution to be brought in next week. The proposed charges are as follows:

Charge for Cert.Copy of Birth Certificate	.50 for copy
	.50 for card
Charge for CertiCopy of Death Certificate	.50 per copy
Searching fee	No Charge
Registration of Health Certificates	.50 for registration
	2.00 for exam with x-ray
	1.00 for x-ray
Milk Processing Plant Permit	\$1.00 per 1,000 gallons
	for plants in city
	limits; \$1.20 per 1,000
	gallons for plants out-
	side city limits in
	inspection area.\$1.00
	for plants under other
	city inspections
Ice Cream Plant Permit	Distributor & processor
	\$25;Distributor only
	\$10; processor only \$15
Frozen dessert Plant Permit	Same as above
WholesaleDairies Inspection Fee	\$10 per year
Eating and Drinking Establishments	Employees-15 & under\$15
	16 & over \$30
Other Food Establishments Wholesale & Retail &	Food Processing \$15;
Locker Plants	Food Distributor \$10;
	Groceries:5 or under
	Employees -\$10; 6 &
	over \$20
Convalescent Home Inspection fee -Annual	Under 10 patients \$5
	10 & over \$10
Day Nursery Insp.Fee Annual	Under 10 children \$5
	10 & over \$10
Fee for inspecting and approving Septic tanks (FHA-VA)	\$5
Tourist(courts)Insp.Fee Trailer Parks	Under 10 units \$10
	10 & over \$20
Locker & Ice Plant Permit	\$25
Subdivision Investigation Fee (Percolation Test Fee)	Percolation \$1.00 per
	test hole. Min.of \$5
Coin Vending Food & Drink Machines	10 or under \$5; 11-25
	\$10; over 25 \$20

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The City Manager submitted a proposal of purchase of right-of-way of Koenig Lane. No action was taken at this time, as the Council wanted to all go out and look over the land.

The City Manager submitted a map of the proposed park in northwest Austin, and a recommendation on financing a swimming pool along with the purchase of the property. Councilman Long suggested before decision was finally made to put a swimming pool here that the matter be referred to the Parks Board for recommendation to the Council. The City Manager stated the Parks Board had recommended two pools. The Mayor suggested that the purchase be authorized, and that arrangements could be worked out through the banks. Discussion of the property lines was had, and it was to be determined that the Creek was in this property. Councilman White moved that this purchase be authorized as submitted subject to working it out on its finances. (31.1 acres of land being out of that certain 71.03 acre tract out of the George W. Spear Survey No. 7 and George W. Davis No. 15) The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council recessed until 7:30 P.M.

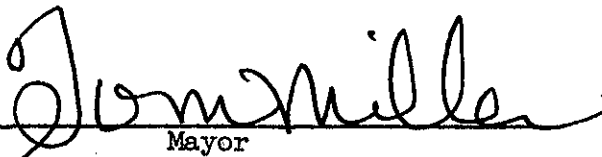
Recessed Meeting

7:30 P.M.

At 7:30 P.M. the Council held a public hearing on the zoning of the down-town Office District, from "B" and "C" to "O". MR. MAHONEY presented maps showing the topography of the areas; showing the dwelling units as of 1950, and a comparison as of 1940; showing the conditions of the buildings; maps showing the assessments in the areas, the land use, the traffic flow, and the street surfacing. He explained the Commission's recommendation. MRS. TREADWAY, representing her mother at 709 San Antonio, spoke in favor of the change to "O", as did DR. RABB, 12th and Nueces. MR. JULIUS FRANKI, representing DR. GLENN at 707-09 West 19th Street and 1809-11 West Avenue; MR. BANKS MILLER, 16th and West Avenue; MR. VANCE RILEY, 1406 Rio Grande; MR. RAYMOND POWELL, representing his father, 717 West Avenue; all spoke for the change. MR. GIBSON RANDLE, representing MR. WILL SCARBROUGH, expressed opposition, particularly to the property at 19th and West Avenue (Dr. Glenn's) MRS. NEIGHBORS expressed opposition; also MRS. W. B. SHOE, 712 West 16th. After all were heard, the Council deferred action until the following week, so that they could go over the territory in person. MR. HARRY PRUETT asked that his property at 802 San Antonio and 803 Nueces be included. This was in the part excluded.

There being no further business the Council adjourned at about 10:00 P.M. subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk